



Making San Francisco Bay Better

June 6, 2013

Mark Sanders
16075 Skyline Boulevard
Woodside, California 94062

SUBJECT: Re-Issued Amendment No. Five to BCDC Permit No. 2002.002.00

Dear Mr. Sanders:

Enclosed please find an original of BCDC Amended Permit No. 2002.002.05, stamped "BCDC Original," one stamped "Permittee's Copy," and one stamped "Recorder's Copy;" all executed by the Executive Director, incorporating the amendment requested in your letter dated July 18, 2012 and in subsequent correspondence. In the amended permit, deleted language has been ~~struck through~~ and added language has been underlined.

I am issuing this amendment, which is included in the attached amended permit, on behalf of the Commission and upon the following findings and declarations:

1. This amendment to the permit is not a material alteration, as defined in Regulation Section 10822, of the project authorized by the permit because the amendment modifies the phasing for providing some of the public access improvements and makes minor corrections to certain provisions and requirements.
2. The amendment to the permit is consistent with the San Francisco Bay Plan and the McAtter-Petris Act because the proposed project will not adversely affect the Bay nor public access to and enjoyment of the Bay consistent with the project.

You must (1) **complete**, before a notary, the acknowledgment section of the amended permit stamped "BCDC Original," which indicates that you have read and that you understand all of the terms and conditions of the amended permit; and (2) **return** that entire executed "BCDC Original" to the Commission's office within the ten-day time period. Within thirty days, you must submit proof that the "Recorder's Copy" was recorded in San Mateo County to the Commission's office. The copy stamped "Permittee's Copy" should be retained by you for your records along with the Notice of Completion and Declaration of Compliance forms which you must return to the Commission upon completion and before occupancy of each phase of the project.

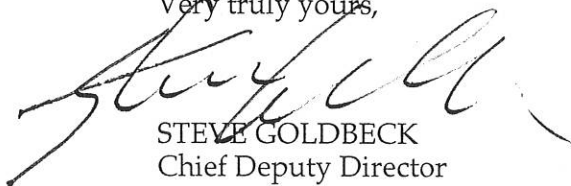
Furthermore, your permit contains special conditions, which require you to take certain specific actions. Attached is a checklist to assist you in following the correct procedures. Please understand that **no** further work may commence on the project until the permit stamped "BCDC Original" is executed and returned to us and until you have obtained BCDC staff plan approval for any work prior to undertaking that work. Until the Commission receives the executed permit, you do not have the necessary authorization for the work authorized under the permit. As you are already aware, since you are presently subject to an enforcement action (Enforcement Case No. ER2010.013), the undertaking of any further work within the Commission's jurisdiction without the necessary authorization including plan approval from the Commission and its staff is a violation of the McAtter-Petris Act and could subject you to substantial fines.

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Special Condition II.B.14 that formerly required all marina slips remain open to the public has been modified to apply only to one of the two guest berth docks, the one located closest to the marina entrance. In our discussions regarding this permit requirement you expressed concerns about liability exposure and insurability. In response we provided you with information and guidance that we believe was adequate to address your concerns, including California's recreational use immunity statute, Civil Code § 846, use of waiver of liability/assumption of risk signage, and examples of privately owned and/or operated marinas that allow public access to and use of guest berth docks. If notwithstanding this information and guidance you remain unwilling to provide public access to one of your two guest berth docks consistent with Special Condition II.B.14, you must apply for an amendment to remove this condition and propose a comparable public access alternative. In order to provide you with time to seek an amendment to the permit if you decide to apply for one, Special Condition II.B.14 includes a deadline of October 31, 2013 for you to open the guest berth to the public. In the meantime, you must execute this permit within 10 days, providing you with approximately four months to obtain the above-mentioned amendment, including time for the Commission to consider your application. As such, you should submit a permit application as soon as possible.

If you should have any questions regarding the amended permit or the procedure outlined above, please contact Adrienne Klein or Ellen Miramontes of our staff.

Very truly yours,



STEVE GOLDBECK
Chief Deputy Director

SG/EB/ra
Enc.